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EXAMINER

HEFFINGTON, JOHN M

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/758,359

Applicant(s)

CHENG ET AL.

Examiner

John M. Heffington

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 13 May 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

This action is in response to the original filing of January 15, 2004. Claims 1-37 are pending and have been considered below.

Claim Objections

1. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 is a product claim (i.e. computer-readable medium) that refers back to Claim 1. The Office considers any claim that refers to another claim as dependent thereon, i.e. a dependent claim. Since Claim 1 is a system claim comprising receiving state information and rendering graphical indicia and Claim 10 fails to make limitations to these components, Claim 10 fails to further limit its parent claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Neither the specification nor the claims disclose how a software component could render an incorrect image since software employs absolute determinations with the use of conditional statements, i.e. if-then statements.

Essentially, the software component will determine an image to render and will have no knowledge of any incorrect image. In addition, neither the claims nor the specification discloses how the cost of rendering an incorrect image will be calculated or what will be done with the cost once it is calculated. Therefore, calculating the cost of rendering an incorrect image will be given little if any patentable weight and the claim will be interpreted to include any means or data to determine the cost of rendering an incorrect image.

4. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification does not provide the definition for "peripheral awareness mode" or "full detail mode". The examiner will examine the claims as though operation proceeds in any mode.

5. Claims 29-31 recite the limitation "the at least one profile" in claim 27. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6,11,12,35 are rejected under 35 U.S.C. 102(e) as being anticipated by Bosik (US 6,987,840).

Claims 1 and 27: Bosik discloses a system:

- a. in which email status is updated (column 4, lines 58-67, column 5, lines 1-5)
- b. in which a status indicator is updated (column 4, lines 58-67, column 5, lines 1-5)
- c. in which a status indicator is presented to the user (column 4, lines 58-67, column 5, lines 1-5)

Claim 2: Bosick discloses a system as in claim 1 above in which status for an individual's or groups email message is updated (column 4, lines 58-67, column 5, lines 1-5).

Claim 3: Bosick discloses a system as in claim 1 above in which status for component, i.e. email message, is updated (column 4, lines 58-67, column 5, lines 1-5).

Claim 4: Bosick discloses a system as in claim 1 above in which status for an email message is updated in response to the retrieval of an email message, i.e. extrinsic data, on the email server (column 4, lines 58-67, column 5, lines 1-5).

Claim 5: Bosik discloses a system as in claim 1 above in which the status indicator is an annotation or comment (column 4, lines 58-67, column 5, lines 1-5).

Claim 6: Bosik discloses a system as in claim 1 above in which the status indicator correlates to state (column 4, lines 58-67, column 5, lines 1-5).

Claim 11: Bosik discloses a system as in claim 1 above that includes an email server (column 4, lines 58-67, column 5, lines 1-5).

Claim 12: Bosik discloses a system as in claim 1 above that renders an indicator for the status of an email message (column 4, lines 58-67, column 5, lines 1-5).

Claim 35: Bosik discloses a system for updating a status indicator, dynamically rendering a graphic for state, means for notifying a subscriber of the state graphic, and a means for presenting the graphic to a user (column 4, lines 58-67, column 5, lines 1-5).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bosik.

Claim 7: Bosik discloses a system as in claim 1 above in which a status indicator is updated (column 4, lines 58-67, column 5, lines 1-5) but does not disclose calculating the cost of rendering an incorrect image versus the cost of rendering a correct image. However, determining how much data would be lost when rendering an image that is too large to fit on the screen is the equivalent of calculating the cost of rendering an incorrect image. Therefore, it would have been obvious to determine how much data would be lost if an image is too large to fit on a screen in order to substitute a smaller image that would fit on a screen..

10. Claims 9,13,14,15,19,23^{and 25} are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosik (US 6,987,840) in view of Cowart (Mastering Windows 95).

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Claim 13: Bostik discloses a system in which a status indicator is updated (column 4, lines 58-67, column 5, lines 1-5) but does not disclose a visualization for a profile or managing a profile. Cowart discloses a similar system in which multiple user profiles are created and in which profile properties are displayed and managed (page 561, Working With User Profiles and page 562, Figure 15.2). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to display a profile properties dialog for managing a profile. One would have been motivated to display a dialog for managing profile properties in order to be able to dynamically change profile properties.

Claim 14: Bostik and Cowart disclose a system as in claim 13 above in which a status indicator is updated (column 4, lines 58-67, column 5, lines 1-5) but do not disclose displaying the profile in any specific mode of detail. However, It would have been obvious to display the profile in various levels (modes) of detail. One would have been motivated to have various levels of detail in order to present the desired level of detail to the user.

Claim 15: Bostik and Cowart disclose a system as in claim 13 above and Bostik further discloses providing a status indicator and other types of data (column 4, lines 58-67, column 5, lines 1-5).

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Claim 9 and 23: Bosik and Cowart disclose a system as in claims 1 and 13 above in which a status indicator is updated (column 4, lines 58-67, column 5, lines 1-5) as in claim 13 but does not disclose rendering a graphic indicium as a function of the type of device or type of user. Displays of different types of devices vary widely in their resolution, size, color capabilities, etc. Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to render a graphical indicium with respect to the type of device. One would have been motivated to render a graphical indicium with respect to the type of device because different devices have different types of displays with different types of display characteristics and graphics intended to display on one type of device might not display correctly on another type of display.

Claim 19: Bosik and Cowart disclose a system in which a status indicator is updated (column 4, lines 58-67, column 5, lines 1-5) as in claim 13 and Cowart further discloses adding a user profile (page 1068, User Profiles) Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the capability to add a user profile in Bostik. One would have been motivated to add a user profile in order to maintain different preferences for different users.

Claim 25: Bosik and Cowart disclose a system for indicating status and displaying a dialog for managing profile properties as in claim 13 above. Bostik further discloses an indicator denoted by the text "email stored as voice mail".

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11. Claims 16, 17, 24, ^{AAC}25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bosik (US 6,987,840) and Cowart (Mastering Widnows 95) as applied to claim 13 above, and further in view of Schwartz (US 2003/0061114 A1).

Claim 16: Bosik and Cowart disclose a system for indicating status and displaying a dialog for managing profile properties as in claim 13 above but do not disclose editing a profile with a picture, audio or video. Schwartz discloses creating an internet presence (profile) with text, graphics, audio, and video (paragraph 0020). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to add graphics, text, audio, or video to a profile. One would have been motivated to add graphics, text, audio, or video to a profile to more uniquely identify the owner of a profile.

Claim 17: Bosik and Cowart disclose a system for indicating status and displaying a dialog for managing profile properties as in claim 13 above but do not disclose allowing others to leave feedback. Schwartz discloses using a guestbook for users to leave comments. Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to allow users to leave feedback through a guestbook. One would have been motivated to leave feedback in a guestbook in order to allow other users to more effectively communicate with the owner of the profile.

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Claim 24: : Bosik and Cowart disclose a system for indicating status and displaying a dialog for managing profile properties as in claim 13 above but do not disclose generating, migrating, or sharing a profile. Schwartz discloses generating an internet presence (profile) (paragraph 0020). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the ability to generate a profile. One would have been motivated to provide the ability to generate a profile in order to create a unique presence on a network, including the World Wide Web.

12. Claims 20,21,26,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosik (US 6,987,840) and Cowart (Mastering Widnows 95) as applied to claim 13 above, and further in view of Adar (US 6,915,284 B2).

Claim 20: Bosik and Cowart disclose a system for indicating status and displaying a dialog for managing profile properties as in claim 13 above but do not disclose caching images or using statistical data. Adar discloses using statistical data (column 6, lines 53-55). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to use statistical analysis. One would have been motivated to use statistical analysis to filter unwanted messages or put messages in a particular order.

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Claim 21,26: Bosik and Cowart disclose a system for indicating status and displaying a dialog for managing profile properties as in claim 13 but do not disclose communicating via the World Wide Web, using web broadcasting, using peer to peer communication, messaging, email, or telephone. Adar discloses using peer to peer communication (column 4, lines 26-31). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to allow users to use peer to peer communication. One would have been motivated to use peer to peer communication because peer to peer communication is a well known and established communication protocol.

Claim 28: Bosik and Cowart disclose a system for indicating status and displaying a dialog for managing profile properties as in claim 27 but does not disclose ranking graphical indicia by number of comments, number of accesses, or popularity. Adar discloses ranking messages by popularity (column 10, lines 18-20). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to use popularity as ranking strategy. One would have been motivated to use popularity as a ranking strategy in order to separate least accessed messages from most popular messages.

13. Claims 32,33,34,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosik (US 9,987,840) in view of Schwartz (US 2003/0061114 A1).

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Claim 32: Bosik discloses a Computer Readable Medium containing instructions for:

- a. Indicating status (column 4, lines 58-67, column 5, lines 1-5)
- b. Rendering a status indicator (column 4, lines 58-67, column 5, lines 1-5)

But does not disclose:

- a. Generating a profile
- b. Updating a profile in real time

Schwartz discloses generating and updating a profile (paragraph 0020). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the ability to generate and update a profile in Bosik. One would have been motivated to provide the ability to generate a profile in order to create a unique presence on a network, including the World Wide Web.

Claim 33: Bosik and Schwartz disclose a Computer Readable Medium containing instructions as in claim 32 above, and Schwartz further discloses using a guestbook to use to leave comments to a user with a presence on the web (profile). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to allow users in Bosik to leave feedback through a guestbook. One would have been motivated to leave feedback in a guestbook in order to allow other users to more effectively communicate with the owner of the profile.

Claim 34: Bosik and Schwartz disclose a Computer Readable Medium containing instructions as in claim 32 above, and Schwartz further discloses creating an internet

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presence (profile) with text, graphics, audio, and video (paragraph 0020). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Bosik to add graphics, text, audio, or video to a profile. One would have been motivated to add graphics, text, audio, or video to a profile to more uniquely identify the owner of a profile.

Claim 36: Bosik discloses a system for updating a status indicator, dynamically rendering a graphic for state, means for notifying a subscriber of the state graphic, and a means for presenting the graphic to a user (column 4, lines 58-67, column 5, lines 1-5) as in claim 35 above, but does not disclose notifying by means of a web server or web service. Schwartz discloses maintaining websites which are hosted on a web server (paragraph 0019). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to update the status indicator in Bostik via a webserver. One would have been motivated to provide notification via a web server because web servers are used extensively on the World Wide Web.

14. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bostik (US 6,987,840) in view of Adar (US 6,915,284 B2).

Claim 37: Bosik discloses a system for updating a status indicator, dynamically rendering a graphic for state, means for notifying a subscriber of the state graphic, and a means for presenting the graphic to a user (column 4, lines 58-67, column 5, lines 1-

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5) as in claim 35 above, but does not disclose caching content or statistical data. Adar discloses using statistical analysis to score messages (column 6, lines 53-55).

Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention for Bosik to use statistical analysis. One would have been motivated to use statistical analysis for filtering and ranking.

15. Claims 29,31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosik (US 6,987,840).

Claims 29,31: Bosik discloses a method for updating a status indicator, dynamically rendering a graphic for state and a means for presenting the graphic to a user (column 4, lines 58-67, column 5, lines 1-5) as in claim 27 above, but does not disclose representing multiple views of a profile with tiles. Tiles are a common mechanism for representing multiple views of data. Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to use tiles for Bosik to represent multiple views of a profile with tiles. One would have been motivated to represent multiple views of a profile with tiles to better organize the display of profile data.

16. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bosik (US 6,987,840) in view of Kan (US 2003/0088544 A1).

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Claim 30: Bosik discloses a method for updating a status indicator, dynamically rendering a graphic for state and a means for presenting the graphic to a user (column 4, lines 58-67, column 5, lines 1-5) as in claim 27 above, but does not disclose communicating a profile via web broadcast feed. Kan discloses a similar method for send responses over Rich Site Summary (RSS) which is an implementation of web broadcasting. Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention to disseminate messages via RSS. One would have been motivated to disseminate messages via RSS because RSS is a common mode of message dissemination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri (Alternate Fridays off) 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
2/27/07



James W. Myhre
Supervisory Patent Examiner